

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

LAMOND RANKINS,

Plaintiff,
v.
JEREMY NICKELS, and
CREATE CARRIER CORPORATION,

Defendants.

EXHIBIT

COMPLAINT

Plaintiff states:

1. Plaintiff Lamond Rankins is a citizen and resident of Mississippi.

2. Defendant Jeremy Nickels is a citizen and resident of Oklahoma and may be served with process at 13919 S 299th East Avenue, Coweta, Oklahoma 74429.

3. Defendant Create Carrier Corporation is a corporation and may be served with process through its registered agent, National Registered Agents, Inc., 300 Montview Road, Knoxville, Tennessee 37919.

4. On June 21, 2020, Defendant Jeremy Nickels was driving a tractor-trailer on Interstate 24 East in Chattanooga, Hamilton County, Tennessee.

5. At the same time, Plaintiff Lamond Rankins was operating a truck that was towing a trailer on Interstate 24 East.

6. Defendant Jeremy Nickels drove into the rear of the trailer attached to the truck that Plaintiff Lamond Rankins was operating, causing a collision.

7. Defendant Jeremy Nickels is at fault for the collision.

8. Defendant Jeremy Nickels followed Plaintiff's vehicle at an unsafe distance.



9. Defendant Jeremy Nickels failed to maintain a proper lookout.
10. Defendant Jeremy Nickels failed to pay proper attention.
11. Defendant Jeremy Nickels failed to drive at a reasonable and safe speed considering the traffic upon and conditions of the roadway
12. Defendant Jeremy Nickels failed to keep the tractor-trailer he was operating under proper control.
13. Defendant Jeremy Nickels failed to use reasonable and due care in the operation of the tractor-trailer he was operating so as to avoid injury to other persons using the roadway, including Plaintiff Lamond Rankins.
14. Based on Defendant Jeremy Nickels' conduct described herein, Defendant Jeremy Nickels was negligent.
15. Defendant Jeremy Nickels violated Tenn. Code Ann. § 55-8-136 by failing to exercise due care to avoid colliding with the vehicle Plaintiff Lamond Rankins was operating, by failing to maintain a safe lookout, by failing to keep the tractor-trailer he was operating under proper control, and by failing to devote full time and attention to operating his vehicle, under the existing circumstances to avoid endangering life, limb, or property.
16. Defendant Jeremy Nickels violated Tenn. Code Ann. § 55-8-124 by following more closely than was reasonable and prudent the vehicle that Plaintiff Lamond Rankins was operating, given the speed of the vehicles and the traffic upon and conditions of the roadway.
17. Based on Defendant Jeremy Nickels' conduct described herein, Defendant Jeremy Nickels was negligent *per se*.

18. At all times relevant to the matters alleged herein, Defendant Crete Carrier Corporation was the owner of the tractor-trailer that Defendant Jeremy Nickels was operating at the time of the collision.
19. At all times relevant to the matters alleged herein, the tractor-trailer that Defendant Jeremy Nickels was operating at the time of the collision was registered in the name of Defendant Crete Carrier Corporation.
20. Plaintiff Lamond Rankins invokes the presumptions of Tenn. Code Ann. §§ 55-10-311 and 312.
21. At all times relevant to the matters alleged herein, Defendant Jeremy Nickels was driving the tractor-trailer with the permission of Defendant Crete Carrier Corporation.
22. At all times relevant to the matters alleged herein, Defendant Jeremy Nickels was an agent, employee, or both of Defendant Crete Carrier Corporation.
23. At all times relevant to the matters alleged herein, Defendant Jeremy Nickels was acting in the course and scope of his agency, employment, or both on behalf of Defendant Crete Carrier Corporation.
24. At all times relevant to the matters alleged herein, Defendant Crete Carrier Corporation is vicariously responsible for the negligent acts, omissions, or both of Defendant Jeremy Nickels under the doctrine of *respondeat superior*.
25. At all times relevant to the matters alleged herein, Defendant Crete Carrier Corporation knew or reasonably should have known of Defendant Jeremy Nickels' propensity to operate tractor-trailers in a negligent manner so as to create an unreasonable risk of harm to others.

26. Defendant Crete Carrier Corporation's negligent entrustment of its tractor-trailer to Defendant Jeremy Nickels is the direct and proximate cause of the collision, and Plaintiff Lamond Rankins' injuries and damages.

27. Plaintiff Lamond Rankins has suffered injuries as a direct and proximate result of the collision.

28. Plaintiff Lamond Rankins has incurred medical bills and other expenses as a direct and proximate result of the collision.

29. Plaintiff Lamond Rankins has endured physical pain and mental suffering as a direct and proximate result of the collision.

30. Plaintiff Lamond Rankins has suffered loss of enjoyment of life as a direct and proximate result of the collision.

31. Plaintiff Lamond Rankins has suffered lost wages, loss of earning capacity, or other out of pocket expenses, or some combination thereof, as a direct and proximate result of the collision.

32. Plaintiff Lamond Rankins seeks to recover for all of his damages allowed under Tennessee law.

WHEREFORE, Plaintiff Lamond Rankins prays for the following relief:

1. A judgment for compensatory damages against Defendant Jeremy Nickels and Defendant Crete Carrier Corporation, jointly and severally, in an amount to be determined by the trier of fact, but in excess of \$25,000;
2. An award of all discretionary costs and court costs; and
3. Such other and further relief as shall be deemed reasonable, just, and necessary.

Respectfully submitted,

mwf

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